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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,782

09/24/2003

Satoshi Hiratsuka

YAMA:057

6400

7590

03/21/2006

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EXAMINER

RUSSELL, CHRISTINA MARIE

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/669,782	HIRATSUKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christina Russell	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### Specification

The amendments made to the specification on pages 13 and 26-27, concerning a spelling error and references to Figure 5 are accepted.

The rejection made concerning the reference to Figure 3, on page 20 of the specification, and the non-matching of notation is withdrawn.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yanase (6,235,979).

3. In terms of claim 1, Yanase teaches of a readable storage medium which contains musical score data to be displayed (see column 4, lines 64-67, column 5, lines 20-44 and 57-62 and column 6, lines 15-25), where the data to be displayed comprises note or score data, position data and staff data (see column 2, lines 16-39, column 6, lines 39-63, column 17, lines 1-10 and column 18, lines

23-44) and is displayed across a plurality of staves, where the information is read out from the storage medium.

4. As for claim 2, Yanase teaches that the note and position data are considered as part of the normal event data that is included in the musical score data, along with other note and score symbols and data, and the attribute or staff data being communicated to and issued with this normal event data, such as special note groups (see column 2, line 16 – column 3, line 48).

5. As for claim 3, similar to claim 2, Yanase again teaches of a set of even data, and such event data including the note and position data and this time the staff data is incorporated into this normal event data as the normal staff position data of the individual notes (see column 2, line 16 – column 3, line 48).

6. In terms of claim 4, Yanase teaches a musical score display apparatus for displaying musical score data, including note, position and staff information similarly to claim 1 (see references from claim 1 and column 2, lines 11-14).

Yanase also teaches such apparatus containing a display device and processing section which determines the note or symbol to be displayed and the position to which it will be placed on an which staff (see column 5, lines 13-44 and column 11, lines 5-53).

7. As for claim 5, Yanase further teaches such display apparatus displaying the musical score data across a plurality of musical staves and further into separate tracks (see column 12, lines 31-56, column 13, lines 13-30 and column 17, lines 10-15).

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8. As for claim 6, Yanase teaches the display data stored in a memory and said processor reading out from that memory to obtain note and position information to accurately display the score (see column 4, lines 64-67, column 5, lines 57-62 and column 6, lines 15-25).

9. As for claim 7, Yanase teaches an interface through which the apparatus can obtain display data from an outside source through either an external storage device or a communication network (see column 17, lines 31-57).

10. In terms of claim 8, Yanase teaches a similar system to that of claim 1 and 4, except in the form of a computer program, also containing note position and staff information, and which further determines which note to display and where and on what staff to display it on (see references for claim 1 and 4, and Figure 12 and 13 and column 3, lines 63-67).

11. As for claim 9, Yanase teaches the computer program further containing a step to visually show the score information on a display section (see Figure 1, column 4, lines 7-9 and column 5, lines 20-44).

12. In terms of claim 10, Yanase again teaches a readable storage medium, similarly to claim 1, which contains note, position and staff data (see references from claim 1), along with timing data which indicates the horizontal display position of the note data and also aids in the horizontal staff designating data, and which can further be varied in accordance with certain designated information (see column 1, lines 26-28, column 7, lines 24-34 and column 16, lines 13-18).

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13. In terms of claim 11, Yanase again teaches of a readable storage medium containing note, position and staff data (see references from claim 1), but further teaches of specific vertical display positioning which can also be varied depending on designated information (see column 1, lines 24-26, column 7, lines 24-34 and column 9, line 43-59).

14. In terms of claim 12, Yanase again teaches of a readable storage medium containing note data and timing data indicative of horizontal display positioning, and further teaching, as in claim 10, a first staff information set designating horizontal positioning and as in claim 11, a second staff information set designating the vertical positioning for display, both being able to be varied depending on certain specified information (see references for claim 1, 10 and 11).

15. As for claim 13, as in claim 2, Yanase again teaches the presence of event data containing note and score symbols along with note information, but this time also including timing information. Also like claim 2, the attribute or staff data of special note groups are issued along with the normal even data (see column 2, line 16 – column 3, line 48).

16. As for claim 14, similar to claim 3, Yanase again teaches of event data including score symbols, note information and now timing information, and also the idea of including the staff positioning data of notes in with the normal event data (see column 2, line 16 – column 3, line 48).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanase in view of Taki et al. (5,665,927).

19. In terms of claim 15, Yanase again teaches as in claim 4, a musical score display apparatus, which contains musical score data comprising note or score data, timing information indicative of horizontal positioning, attribute or staff data designating both horizontal and vertical positioning, a display section and a processing unit (see column 1, lines 24-28, column 2, lines 11-39, column 3, lines 63-67, column 4, lines 64-67, column 5, lines 13-44 and 57-62, column 6, lines 15-25 and 39-63, column 7, lines 24-34, column 9, line 43-59, column 11, lines 5-53, column 16, lines 1-50, column 17, lines 1-10 and column 18, lines 23-44). Yanase does not however teach the ability to manually change, through the process, the horizontal or vertical display position of the musical notes or symbols. Taki et al. does teach this ability and allows the user to have full control of said process (see column 15, lines 38-63, column 19, lines 24-44, and column 19, line 60 through column 20, line 37). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate this additional

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control feature presented by Taki et al. into the similar display apparatus of Yanase. Both systems teach of a display device containing a processing unit and storage medium comprising processing steps and note, position and staff data, to display a musical score. Taki et al. however teaches the additional feature of user based control. Taki et al.'s invention supplies all the stored data needed to compose a displayed musical score but allows the user to input the notes and positions on the staves where they wish the information to appear. Taki et al. also provides the user with the ability to manually delete and shift horizontally and vertically on a staff a note or groups of notes to compose the musical score to their desired specifications.

20. In terms of claim 16, Yanase again teaches, as in claim 8 and 12, a computer program comprising instructions for displaying musical score data. This program contains note and score information, timing information for horizontal display and multiple staff positioning information for both horizontal and vertical display. This computer program further determines the note or symbol to be displayed, and its position (see Figure 12 and 13, column 1, lines 24-28, column 2, lines 11-39, column 3, lines 63-67, column 4, lines 64-67, column 5, lines 13-44 and 57-62, column 6, lines 15-25 and 39-63, column 7, lines 24-34, column 9, line 43-59, column 11, lines 5-53, column 16, lines 1-50, column 17, lines 1-10 and column 18, lines 23-44), but does not allow a process for the user to change the horizontal or vertical positioning of the displayed data. As stated above Take et al. teaches the ability to manually reposition note data in either the horizontal or vertical direction (see again column 15, lines 38-63, column 19, lines 24-44,



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and column 19, line 60 – column 20, line 37). Again it would have been obvious to one of ordinary skill in the art to combine the abilities of these two musical score display programs which both provide the needed note and positioning data but allows the user to control the movement and positioning of the data to compose a desired score.

21. Lastly, as for claim 17, Yanase again teaches, as in claim 9, the computer program visually displaying on a specified display section the note or score data on musical staves (see Figure 1, column 4, lines 7-9 and column 5, lines 20-44), but again Yanase does not teach of the manual positioning of the displayed notes in either the horizontal or vertical direction. Taki et al. does teach that ability to manipulate the data and the display section of the programmed apparatus is quite large enabling the user to more easily see the musical score data they are composing and manipulating. Therefore, it would have been obvious to combine these two similar programmed display apparatuses for the reasons stated above.

### ***Response to Arguments***

22. Applicant's arguments filed 2/17/2006 have been fully considered but they are not persuasive.

23. Applicant argues, for independent claims 1, 4 and 8, that Yanase does not illustrate or disclose the feature of displaying musical note symbols or marks

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across multiple musical stave rows. It can be seen in the reference lines provided above that Yanase does disclose such a feature. See again column 2, lines 16-26.

24. For independent claims 10, 11, 12, 15 and 16, the applicant argues that neither Yanase nor Taki discloses the ability to vary or change the horizontal, vertical, or both display positions of a note or musical score symbol or mark. It can again be seen that Yanase in particular teaches such features. Yanase teaches the movement horizontally of a note due to beat timing adjustments, and vertically due to octave adjustments or shifts. See again above references and also column 7, lines 24-34, column 10, lines 39-54, column 11, lines 29-35, and column 12, lines 31-40 and 44-56.

### ***Conclusion***

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CR  
3/13/2006



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PRIMARY EXAMINER